

Assembly Bill No. 2410

Passed the Assembly August 12, 2010

Chief Clerk of the Assembly

Passed the Senate August 9, 2010

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2010, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 13879.80 of the Penal Code, relating to child abuse.

LEGISLATIVE COUNSEL'S DIGEST

AB 2410, Fuller. Child abuse: crime scenes: hallucinogens, methamphetamine, cocaine, PCP, and heroin.

Existing law encourages every law enforcement and social services agency in this state to develop, adopt, and implement written policies and standards for their response to narcotics crime scenes where a child is either immediately present or where there is evidence that a child lives. Existing law provides that these policies shall reflect the fact that exposing a child to the manufacturing, trafficking, and use of narcotics is criminal conduct and that a response coordinated by law enforcement and social services agencies is essential to the child's health and welfare.

This bill would make these provisions applicable also to crime scenes involving hallucinogens, methamphetamine, cocaine, PCP, and heroin. The bill would delete obsolete language.

Existing law further provides that the needs of a drug-endangered child are best served with written policies encouraging the arrest of an individual for child endangerment where there is probable cause that an offense has been committed coordinated with an appropriate investigation of the child's welfare by child protective agencies, and that protocols that encourage a dependency investigation contemporaneous with a law enforcement investigation at a narcotics crime scene, when appropriate, are consistent with a child's best interest.

This bill would provide that protocols that encourage the removal of a child from a crime scene if an immediate threat to the child's health or safety exists, when appropriate, are also consistent with the child's best interest. This bill would provide that protocols, policies, and standards adopted or developed pursuant to the above provisions shall comply with and be consistent with existing provisions of law relating to the jurisdiction over, and temporary custody and detention of, dependent children.

The people of the State of California do enact as follows:

SECTION 1. Section 13879.80 of the Penal Code is amended to read:

13879.80. (a) Every law enforcement and social services agency in this state is encouraged to develop, adopt, and implement written policies and standards for their response to crime scenes involving narcotics or hallucinogens where a child is either immediately present or where there is evidence that a child lives. These policies shall reflect the fact that exposing a child to the manufacturing, trafficking, and use of narcotics or hallucinogens is criminal conduct and that a response coordinated by law enforcement and social services agencies is essential to the child's health and welfare.

(b) The needs of a drug-endangered child are best served with written policies encouraging the arrest of an individual for child endangerment where there is probable cause that an offense has been committed, coordinated with an appropriate investigation of the child's welfare by child protective agencies. Protocols that encourage a dependency investigation, and removal of the child from the crime scene if an immediate threat to the child's health or safety exists, contemporaneous with a law enforcement investigation at a crime scene involving narcotics or hallucinogens, when appropriate, are consistent with a child's best interest.

(c) Subdivisions (a) and (b) shall also apply to crime scenes involving methamphetamine, cocaine, phencyclidine (PCP), and heroin.

(d) Protocols, policies, and standards adopted or developed pursuant to this section shall comply with and be consistent with the provisions of Article 6 (commencing with Section 300) and Article 7 (commencing with Section 305) of Chapter 2 of Part 1 of the Welfare and Institutions Code.

Approved _____, 2010

Governor